

memorandum

DATE: July 28, 2000

REPLY TO

ATTN OF: Office of Environmental Policy and Guidance (EH-413):Fortune:6-7302

SUBJECT: Opportunity to Affect Change in LDR Treatment Standards Applicable to Mixed Wastes

TO: Distribution

Background On June 19, 2000 (65 FR 37932), the U.S. Environmental Protection Agency (EPA) published an *advance notice of proposed rulemaking (ANPRM)* that addresses a number of technical and policy issues regarding hazardous waste treatment, and discusses potential directions that could result in changes to the Land Disposal Restrictions (LDR) regulations.

The Office of Environmental Policy and Guidance (EH-41) notified DOE elements that this ANPRM had been published by way of a June 27, 2000 memorandum.⁽¹⁾

Focus of this Memo As indicated in the notification memorandum, EPA is considering options and potential approaches that could lead to improvements in the LDR regulatory program with respect to nine topics.

This memorandum provides additional details concerning the options and potential approaches discussed in the ANPRM regarding one of the nine topics (which is of particular relevance to DOE):

- ▶ Should LDR treatment standards for certain mixed waste be tailored to avoid the radiological risks associated with compliance monitoring by specifying methods of treatment (rather than constituent concentration limits) as the LDR treatment standard? [See 65 FR 37954 - 37955]

EPA's Request for Comment EPA is interested in exploring whether radiation exposures associated with treating mixed wastes could be reduced by using specified technologies as the LDR treatment standard. To inform its decision, EPA is soliciting comments and data on the treatability of mixed waste (other than those for which the LDR treatment standard is already a specified technology). In particular, the following types of information are requested:

- ▶ The properties of any mixed waste suggested as a candidate for a specified technology LDR treatment standard.
- ▶ A complete description of the technology recommended for each candidate, including operating parameters and any chemical reactions that take place.
- ▶ Detailed information on how radionuclides in the candidate waste affect performance of the treatment technology.

EPA also requests comments on analytical problems associated with measuring compliance with concentration levels.

Significant Opportunity For a number of years, DOE has been [a] suggesting that EPA consider establishing specified technologies as the treatment standard for certain mixed waste streams *as*

⁽¹⁾ *Subject of Memorandum:* EPA Advance Notice of Proposed Rulemaking: Improving the Land Disposal Restrictions Program.

alternatives to concentration-based standards, and [b] identifying difficulties and costs involved with sampling and analyzing various mixed wastes. Such input to EPA has been provided in comments responding to RCRA proposed rules, at LDR Roundtable Meetings organized by EPA, and during discussions with Agency representatives.

NOTE: The June 19, 2000 LDR ANPRM offers a significant opportunity for DOE elements to identify and provide supporting information concerning any outstanding problems related to complying with the existing concentration-based LDR treatment standards when managing certain mixed wastes. It is also an opportunity to advocate specified technology LDR treatment standards for particular mixed wastes.

**Action
Items**

In addition to providing comments on other topics covered by the ANPRM (as requested in the June 27, 2000 notification memorandum), DOE elements are especially encouraged to respond to EPA's request for comments and data concerning LDR treatment standards for mixed wastes (as outlined above). Any thoughts on other potential approaches or modifications to the LDR program relative to regulating mixed wastes also would be welcomed. Updated information, current examples, and data regarding analytical difficulties and costs associated with sampling and analyzing mixed wastes would be appreciated.

As stated in the June 27, 2000 notification memorandum, DOE elements are requested to provide their comments (and available supporting data) to the Office of Environmental Policy and Guidance (EH-41) **on or before Wednesday, August 23, 2000.**

- Input may be submitted (with a signed, hard copy to follow) to:

FAX (202) 586-3915
E-Mail william.fortune@eh.doe.gov

Based on the input from DOE elements and an internal analysis, EH-41 will develop a consolidated Departmental response to the ANPRM.

Contact

If you have questions regarding the ANPRM or this specific request for input, please contact Bill Fortune at (202) 586-7302.



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Office of Environmental Policy and Guidance